

IN RE: PETITION FOR SPECIAL HEARING  
N/S Beckleysville Road, 560' S  
of 3500 Hill Road  
(2618 Beckleysville Road)  
6th Election District  
3rd Councilmanic District  
Joseph W. Blevins, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-131-SPH

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing in which the Petitioners request approval of the non-conforming use of the subject property as a contractors' equipment storage yard for a septic systems service, and to amend the previously approved site plan in Case No. 82-8-XA accordingly, as more particularly described on the plan submitted and marked Petitioner's Exhibit 1.

The Petitioners, Joseph W. and Brenda L. Blevins, appeared, testified and were represented by Howard L. Alderman, Jr., Esquire. Numerous neighbors and residents of the area appeared in support of the Petition. Appearing as Protestants in the matter were Daniela Thompson, a nearby property owner, and Frank DiMeglio, Zoning Inspector for Baltimore County.

Testimony indicated that the subject property, known as 2618 Beckleysville Road, consists of 1.031 acres, more or less, zoned R.C. 4, and is improved with a residential trailer home, two wood sheds, one of which is two stories tall, a metal storage garage, and a storage area as more particularly described on Petitioner's Exhibit 1. Said property was the subject matter of previous Case No. 82-8-XA in which the Petitioners were granted a special exception and variances for the existing residential trailer. Petitioners filed the instant petition as a result of a complaint

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Date 5/1/92  
By [Signature]

filed with this office to establish the legal nonconforming use of their property as a contractors' equipment storage yard.

Joseph Blevins testified that his wife's parents originally owned a 38-acre tract of land and that he and his wife obtained the subject 1.031 acre parcel from his wife's father in 1973. Mr. Blevins testified that he operates a septic system business from the subject site and that the following contractors' equipment is stored on the property: Two "tractors and trailers", 80,000 pounds gross vehicle weight each; two backhoes; two equipment trailers; one bobcat loader and trailer; one dump truck, 35,000 pounds gross vehicle weight; two sewage pump trucks, 55,000 gallons each; one hydro seeder; and one cube van of 10,000 pounds gross vehicle weight. Mr. Blevins testified that he is currently able to operate the business with this equipment and has no intention of expanding his business on the subject property. Mr. Blevins testified that his business is in great demand in this rural area of Baltimore County, given the fact that most, if not all, of the residents have private septic systems on their property. He further testified that in the event this nonconforming use is granted, he would agree to limit his operation to the equipment listed herein and would add no other pieces of equipment. In support of their request, the Petitioners submitted various photographs of the subject property, depicting the contractors' equipment currently being stored on the site and also showing a large hedgerow which provides screening for the property.

Karl Fuller was called to testify on behalf of the Petitioners. Mr. Fuller testified that he is 67 years of age and is a retired Baltimore County Police Officer. He testified that during his career as an officer, he patrolled this area and became very familiar with the subject property.

ORDER RECEIVED FOR FILING  
Date 5/1/92  
By [Signature]

- 2 -

It was Mr. Fuller's recollection that from as far back as 1941 there was always farm equipment, tractors, large hay and wheat trucks stored on this property and that this storage has continued through to the present time.

Herb Billet was next to testify on behalf of the Petitioners. Mr. Billet testified that he is 70 years of age and is very familiar with the Blevins' property. He testified that ever since the early 1930s, there has been large trucks and farm equipment, bulldozers, and dump trucks stored on the subject property. He also testified that he never saw any of the bulldozers leave the property and that the site was never vacant for more than one year.

Edgar Neal next appeared and testified on behalf of the Petition. Mr. Neal testified that he is 75 years of age and has been a resident of the area for the past 73 years. He testified that he is very familiar with the subject property and that he always saw farm equipment stored on this site.

Christine Blevins, mother of Petitioner Joseph Blevins, appeared and testified in support of the petition. She testified that to the best of her recollection there has always been dump trucks, tractor trailers, and other similar contractors' equipment stored on this particular parcel of land since prior to 1945. Although she could not specifically remember equipment being repaired on the site, she testified that equipment was stored on the property.

Marshall Pugh appeared and testified on behalf of the Petition. Mr. Pugh, who is 60 years of age, testified that he passed this property every day beginning in 1953 and that from that date forward, he always saw dump trucks, tractors and farm equipment stored on the subject property.

ORDER RECEIVED FOR FILING  
Date 5/1/92  
By [Signature]

- 3 -

Mr. Pugh testified that the property was never vacant of any of this equipment for more than a one year period of time.

John Herbert appeared and testified on behalf of the Petition. Mr. Herbert testified that he is 66 years of age and is very familiar with the subject property. Mr. Herbert testified that he travelled along Beckleysville Road all of his life and never saw the property vacant. His testimony indicated that the property always had some type of contractors' equipment stored thereon. Mr. Herbert testified that he saw hay rakes, farm equipment, dump trucks and tractor trailers stored on the property.

Jerry Blevins, younger brother of Petitioner Joseph Blevins, testified that he used to transport his brother to the tractor trailers stored on the subject property back in the late 1960s. He testified that there has always been equipment stored on the subject property.

Bill Mock, who resides immediately adjacent to the subject property, appeared and testified on behalf of the Petition. Mr. Mock testified that the subject property is not overburdened by the Petitioners' business and that it is difficult to tell that a septic service is even located on this site.

Jack Twist appeared and testified on behalf of the Petitioners. Mr. Twist testified that he is the president of the Freeland Community Association and that his Association met twice on this particular issue. Mr. Twist testified that the Association offers its overwhelming support of the Petitioners' request in this Petition.

Brenda Blevins appeared and testified in support of the Petition. Ms. Blevins testified that she has lived in this area all of her life and confirmed that this particular parcel of land originally belonged to her parents. She testified that from the late 1950s, early 1960s, until the

ORDER RECEIVED FOR FILING  
Date 5/1/92  
By [Signature]

- 4 -

present time, there have always been large trucks, bulldozers, front-end loaders and tractor trailers stored on this property. On cross-examination Mr. Blevins testified that trucks were repaired on this property and that some of the contractor's equipment was used offsite in the construction of homes and barns.

In addition to the live testimony presented by the Petitioners and their witnesses, the Petitioners offered into evidence 22 notarized affidavits from various members of the community stating that this particular parcel of property has been used as a contractors' equipment storage yard since prior to the year 1945. Said affidavits are marked Petitioner's Exhibit 7.

Appearing and testifying in opposition to the relief requested was Frank DiMeglio. Mr. DiMeglio was subpoenaed as a witness for the Protestants in this matter. Daniela Thompson. Mr. DiMeglio is a Zoning Inspector with the Office of Zoning Administration and Development Management. Mr. DiMeglio testified that during an inspection of the property on March 8, 1991, he observed a tanker truck on the property with a septic system name written on the side. He also saw a smaller tank truck on the property. Mr. DiMeglio testified that he had a conversation with Joseph Blevins on that date during which he asked Mr. Blevins about his use of the property. Mr. DiMeglio testified that Mr. Blevins stated that the septic business had been on the property for 20 years and that prior to that, the property was only used as a farm.

Mr. Blevins testified that he misunderstood Mr. DiMeglio's question concerning the use of the property prior to the operation of the septic business, and further clarified his answer by testifying that the property has always been used as a contractor's equipment storage yard.

ORDER RECEIVED FOR FILING  
Date 5/1/92  
By [Signature]

- 5 -

Daniela Thompson appeared and testified in opposition to the relief requested. Ms. Thompson testified that she owns property in the area and is concerned about this commercial operation being located in this rural community. She also testified that she is concerned about future expansion and intensification of such use. Ms. Thompson testified that there appeared to have been some intensification of this use during the course of the four years she has been a property owner in this community.

As with all nonconforming use cases, the first task is to determine what lawful nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

ORDER RECEIVED FOR FILING  
Date 5/1/92  
By [Signature]

- 6 -

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it appears that the relief requested should be granted. The testimony and evidence presented in support of this request was overwhelming and was uncontradicted by the Protestants, who were unable to offer any evidence concerning the historical use of the subject property. The Petitioners were able to produce many witnesses and notarized affidavits to demonstrate that the use of the property as a contractors' equipment storage yard existed for many years prior to the effective date of the zoning regulations. Therefore, I am persuaded that the Petitioners have met their burden of proof.

However, I am only persuaded that this nonconforming use existed in the Petitioners' rear yard, behind the existing trailer home. I do not believe that the Petitioners have stored equipment in the front yard of the subject site along Beckleysville Road. Therefore, the granting of this nonconforming use shall be limited to that area behind the existing trailer home, more specifically, beginning from a lateral line drawn from the front foundation wall of said trailer home, said line bisecting the entire width of the lot, and encompassing all that lot and parcel of ground situated to the north of said line. Said area has been outlined in red ink and red hash marks by this Deputy Zoning Commissioner on Petitioner's Exhibit 1, in order to accurately depict the area which shall be granted

ORDER RECEIVED FOR FILING  
Date 5/1/92  
By [Signature]

- 7 -

this nonconforming use. I also find, pursuant to the Petitioners' submission, that the storage of contractors equipment shall be limited to those items currently stored on the subject site as previously listed herein. Accordingly, the relief granted herein will be limited to the existing equipment, or its replacement with like or similar equipment, and there shall be no further expansion or intensification of the use.

In addition, I find that the granting of the relief requested herein shall inure to the use and benefit of the Petitioners and their lineal heirs only, and shall not be sold, transferred or leased to any third party. The Petitioners shall be permitted to operate the contractors' equipment storage yard only for so long as either party owns the subject property, or said property is transferred or conveyed to their lineal heirs.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted, subject to the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of May, 1992 that the Petition for Special Hearing to approve the nonconforming use of the subject property as a contractors' equipment storage yard for a septic systems service business, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is limited to the Petitioners and their lineal heirs. In the event the

ORDER RECEIVED FOR FILING  
Date 5/1/92  
By [Signature]

- 8 -

subject property is sold, leased or transferred to someone other than the Petitioners' lineal heirs, then the use of the subject property as a contractors' equipment storage yard shall cease.

3) The relief granted herein is limited to that area of the Petitioners' property beginning in a northerly direction from the front foundation wall of the existing trailer home to the rear property line of the subject property, as more particularly marked in red on Petitioner's Exhibit 1, a copy of which is attached hereto and made a part hereof.

4) The relief granted herein is limited to the equipment currently stored on the subject property as follows: Two "tractors and trailers" at 80,000 pounds gross vehicle weight each; two backhoes; two equipment trailers; one bobcat loader and trailer; one dump truck at 15,000 pounds gross vehicle weight; two sewage pump trucks at 55,000 gallons each; one hydro seeder; and one cube van of 10,000 pounds gross vehicle weight. In the event the Petitioners deem it necessary to replace any of the above-named items, the Petitioners shall be permitted to do so with a like or similar piece of equipment. However, in no event shall there be any expansion or intensification of this contractors' equipment storage yard with items other than that listed herein.

5) Within thirty (30) days of the date of this Order, Petitioners shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. Said plan shall incorporate landscaping of the property to the rear and east sides of the storage garage as recommended by Planning.

6) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

7) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

8) The relief granted herein is contingent upon the Petitioners' compliance with the restrictions set forth above. Each restriction plays an integral part in the overall granting of the Petitioners' request and cannot be appealed separately. An appeal by the Petitioners of any restriction set forth above shall be an appeal of the entire Order and the entire case shall be heard.

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Date 5/1/92  
By [Signature]

de novo by the County Board of Appeals. The Petitioners have thirty (30) days from the date of this Order to take an appeal of this Decision. In the event the Petitioners do not appeal this decision, then by virtue of no appeal being taken, the Petitioners hereby consent and agree to be bound by the restrictions stated above.

IT IS FURTHER ORDERED that the Petition for Special Hearing to amend the previously approved site plan in Case No. 82-8-XA, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

[Signature]  
TIMOTHY W. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bis

ORDER RECEIVED FOR FILING  
Date 5/1/92  
By [Signature]

- 10

Baltimore County Commission on  
Zoning Commission  
Office of Planning and Zoning

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

May 7, 1992

(410) 887-4386

Howard L. Alderman, Jr., Esquire  
Levin & Gann  
305 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
N/S Beckleysville Road, 560' S of Spook Hill Road  
(2618 Beckleysville Road)  
6th Election District - 3rd Councilmanic District  
Joseph W. Blevins, et ux - Petitioners  
Case No. 92-133-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

[Signature]  
TIMOTHY W. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Ms. Daniela Thompson  
5114 Pembroke Avenue, Baltimore, Md. 21206

People's Counsel

File

139  
PETITION FOR SPECIAL HEARING  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-133-SPH  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve  
Non-conforming use for a contractors equipment storage yard.  
(Septic systems service) and amend plan to Case 82-8-XA.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Joseph W. Blevins
Signature	[Signature]
Address	Brenda L. Blevins
City and State	(Type or Print Name)
Attorney for Petitioner:	Signature
S. Eric DiNenna	2618 Beckleysville Road
(Type or Print Name)	Address
Signature	Freeland, Maryland 21053
400 Washington Ave., #600	City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Towson, Maryland 21204	S. Eric DiNenna
City and State	400 Washington Avenue, #600
Attorney's Telephone No.: 296-6820	Towson, Maryland 21204 296-6820
	Address
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Zoning Commissioner of Baltimore County.

Z.C.O. - No. 1  
ORDER RECEIVED FOR FILING  
Date 5/7/92  
By [Signature]

Paul Lee P.E.

Paul Lee Engineering Inc.  
301 W. Pennsylvania Ave.  
Towson, Maryland 21204  
301-821-5341

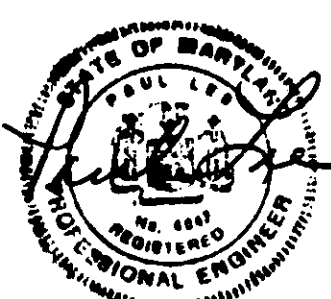
DESCRIPTION

2618 BECKLEYSVILLE ROAD  
6th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

92-133-SPH

Beginning for the same at a point in Beckleysville Road, said point also being located southwesterly 560 feet<sup>±</sup> from the center of Spooks Hill Road; thence running in the right-of-way of said Beckleysville Road (1) S 69°47'00"W- 150.00 feet, thence leaving said right-of-way of Beckleysville Road (2) N 20°29'00" W - 296.91 feet, and (3) N 67°51'00" E - 150.06 feet, and (4) S 20°29'00" E - 301.97 feet to the point of beginning.

Containing 1.03 acres of land more or less.



8-19-91  
J.O. 91-011

Engineers - Surveyors - Site Planners

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 6th Date of Posting March 21, 1992  
Posted for Special Hearing  
Petitioner Joseph W. Blevins, et ux  
Location of property N/S Beckleysville Road, 560' S of Spook Hill Road  
2618 Beckleysville Road  
Location of Signs On front of 2618 Beckleysville Road  
Remarks  
Posted by S. J. Kwate  
Number of Signs 1  
Date of return March 27, 1992

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/11, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/11, 1991

THE JEFFERSONIAN,

S. Zeke Olson  
Publisher

\$84.29

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property located herein in Room 114, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 at 10:00 a.m.  
Case Number: 92-133-SPH  
N/S Beckleysville Road  
560' S of Spook Hill Road  
2618 Beckleysville Road  
6th Election District  
3rd Councilmanic District  
Petitioner(s)  
Joseph W. Blevins, et ux  
Hearing will be held at 10:00 a.m. on May 11, 1992, at the Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204. Any person desiring to be heard at the hearing should appear in person and be present at least 15 minutes before the hearing starts.  
LAWRENCE E. SCHMIDT,  
Zoning Commissioner of Baltimore County  
TJ10098 October 10

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/11, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/11, 1991

TOWSON TIMES,

S. Zeke Olson  
Publisher

\$84.29

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date

92-133

Account: R-001-6150  
Number

Cashier Validation

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date

92-133

Account: R-001-6150  
Number

Cashier Validation



**COPY**

Deaf Petitioner(s):

S. Eric DiNenna, Esq.

Dear Petitioner(s):

Thank you for your anticipated cooperation.

Very truly yours,

 Printed on Recycled Paper

NOTICE OF HEARING

Special Hearing to approve non-conforming use for a contractors equipment storage yard (septic systems service); and to amend Case #82-2-XA.

cc: Joseph M. Blevins, et ux  
S. Eric DiNenna, Esq.

OCTOBER 4, 1991

NOTICE OF REASSIGNMENT

THE ABOVE MATTER HAS BEEN REASSIGNED. HEARING WILL NOW TAKE PLACE AS FOLLOWS:

TUESDAY, NOVEMBER 26, 1991 at 9:00 a.m.

cc: Joseph W. Blevins, et ux  
S. Eric DiNenna, Esq.

NOTICE OF REASSIGNMENT

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

FRIDAY, APRIL 19 1992 at 11:30 a.m.

cc: Joseph W. Blevins  
Howard L. Alderman, Esq.

RE: Item No. 139, Case No. 92-133-SPH  
Petitioner: Joseph W. Blevins, et ux  
Petition for Special Hearing

Dear Mr. DiNenna:

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.


JED:jw

**Enclosures**

887-3353

Your petition has been received and accepted for filing this  
16th day of October, 1991.

Received By:

  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Joseph W. Blevin, et ux

Petitioner's Attorney: S. Eric DiNenna

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: October 18, 1991

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 1, 1991

This office has no comments for item numbers 127, 129, 130, 131, 132, 133, 134, 135, 138, 139, 140 and 141.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-4500

OCTOBER 1, 1991

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOSEPH W. BLEVINS  
Location: 42618 BECKLEYVILLE ROAD  
Item No.: 139 Zoning Records: OCTOBER 1, 1991

Certification:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JD/REK

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 27, 1991  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for October 1, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 127, 129, 130, 131, 132, 133, 135, 137, 138, 139, 140 and 141.

For Item 134, this subdivision is okay, with a comments needed.

For Item 136, the comments are preserved until the County Review Group plan is submitted. However, sideyard setback dimensions may change as a result of the County Review Group comments.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E.  
Developers Engineering Division

RWB:c

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 12, 1991  
Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Blevins Property, Item No. 139

In reference to the applicant's request, staff offers the following comment:

The Office supports this request with the following condition.

The petitioner should landscape the rear and east side of the storage garage should be heavily landscaped with a dense evergreen plant materials.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM139/TXTROZ

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

December 10, 1991

George A. Breschi, Esquire  
Suite 600  
409 Washington Avenue  
Towson, Maryland 21204

Re: Postponements

Dear Mr. Breschi,

The following cases were assigned to S. Eric DiNenna.

Case No. 91-411-SPH  
Petitioner: Leroy Ennis

Case No. 92-23-A  
Petitioner(s): Wayne Sagall, et ux

Case No. 92-133-SPH  
Petitioner: Blevins, et ux

Item No. 237  
Petitioner: Thomas B. McGee

Please advise as of the direction in which you will be taking in these cases.

Yours Truly,

*G. G. Stephens*  
G. G. Stephens

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

October 16, 1992

Ms. Melissa Buis  
Law Office of Michael L. Freilich  
408 Bosley Avenue  
Towson, MD 21204

RE: Audio Cassette for  
Case No.: 92-133-SPH

Dear Ms. Buis:

In response to your recent request for a copy of the hearing transcript for case number 92-133-SPH, that tape is no longer available.

If you have any further questions, please do not hesitate to contact Jun Fernando at 887-3391.

Sincerely yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner

TMK/jaw

Printed on Recycled Paper

LAW OFFICES  
OF  
MICHAEL L. FREILICH, P. A.

408 BOSLEY AVENUE  
TOWSON, MARYLAND 21204

(410) 321-0042

MICHAEL LEWIS FREILICH  
PRACTICING ATTORNEY, MARYLAND & DISTRICT OF COLUMBIA  
October 7, 1992

PLEASE ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 5460  
TOWSON, MARYLAND  
21205-5460

Director of Zoning Office  
Arnold Jablon  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Blevins, Our File #1445  
Case #92-133-SPH

Dear Mr. Jablon:

This firm represents Mr. and Mrs. Blevins. I am writing to you to request copies of the tapes of their hearing, case #92-133-SPH. I understand that the charge is Twenty Dollars (\$20.00) per tape. I would appreciate your letting me know how many tapes are involved.

Thank you for your time and attention. Please call me with any questions.

Sincerely yours,  
*Melissa Buis*  
Melissa Buis  
Legal Assistant

NO LONGER AVAILABLE  
(tape missing)

RECEIVED  
OCT 9 1992  
ZONING OFFICE

Freeland Community Association

P. O. Box 52 Freeland, Maryland 21053-0052

November 25, 1991

Zoning Commissioner  
Baltimore County  
Towson, MD 21204

Re: 92-133-SPH, Item 139

To whom it may concern:

Please be advised that on November 20, 1991, a duly constituted meeting of the Freeland Community Association was held at Prettyboy Elementary School, to discuss current zoning issues and other business. Forty members were in attendance, including Mr. Blevins who is the petitioner on the above-captioned item: to allow a non-conforming use at his property on Beckleysville Road. The Association is well acquainted with the purpose behind this petition, and also the site in question, as a number of our members live in close proximity to Mr. Blevins. A vote was taken as to the position our organization should take on this matter. There was unanimous approval.

Thank you for your consideration.

Sincerely,

*Frank L. Purdom, Jr.*  
Frank L. Purdom, Jr., VP

*Richard O. Ingles, Treas.*  
Richard O. Ingles, Treas.  
Frank Zack-Board Member

RECEIVED  
APR 14 1992  
ZONING OFFICE



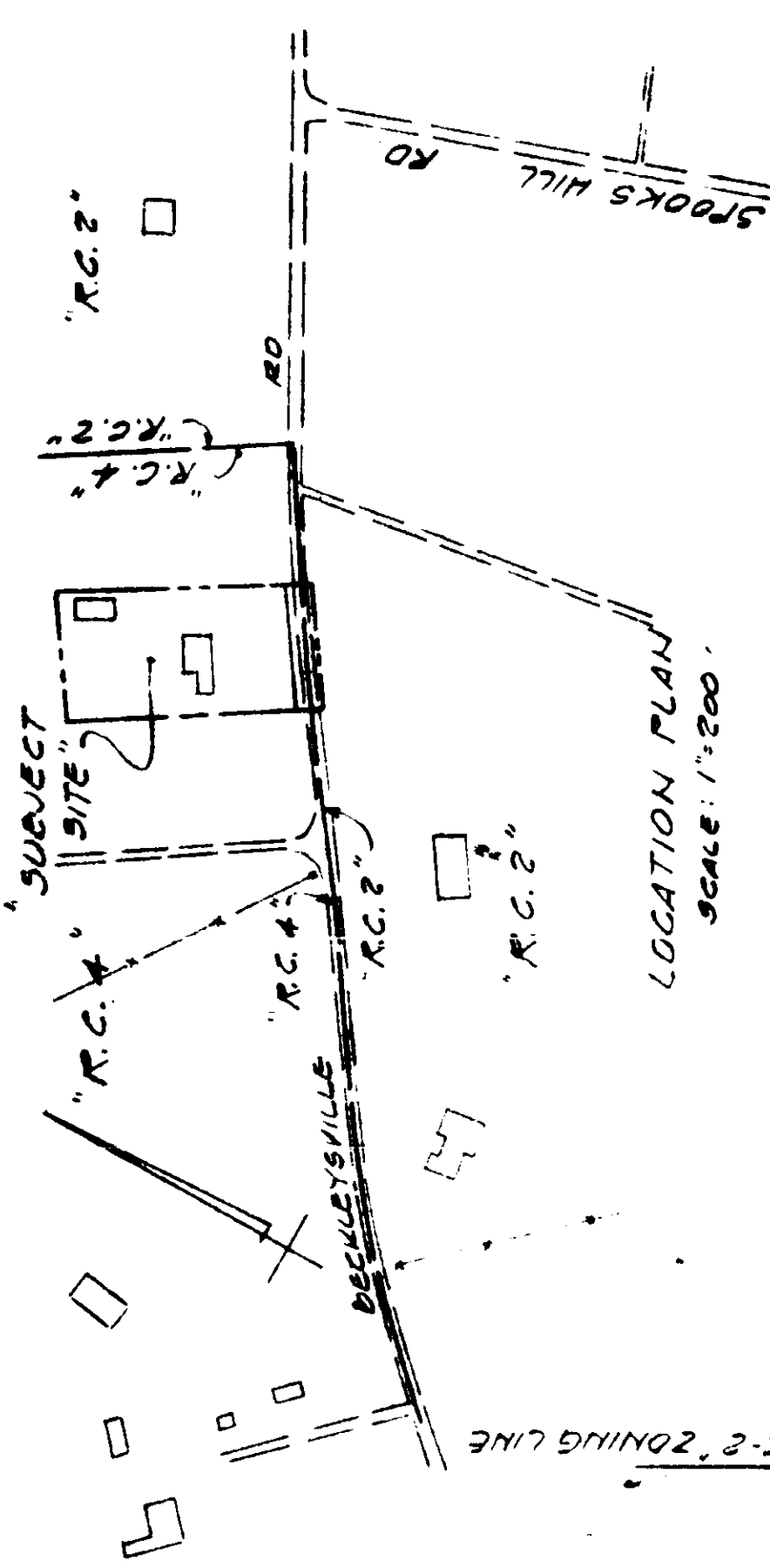








39



GENERAL NOTES

1. AREA OF PROPERTY: 1.0342
2. EXISTING ZONING OF PROPERTY: RC-4 "SPECIAL EXCEPTION"
3. EXISTING USE OF PROPERTY: RESIDENTIAL CONTRACTOR'S STORAGE YARD
4. PROPOSED ZONING OF PROPERTY: RC-4 "SPECIAL EXCEPTION"
5. PROPOSED USE OF PROPERTY: RESIDENTIAL CONTRACTOR'S STORAGE YARD
6. PROPOSED OFF-STREET PARKING: 0
7. NO PARKING SPACES SHOWN
8. SPECIAL EXCEPTION FOR RESIDENTIAL TRAILER AND A SUBSIDIARY VARIANCE OF 25.5' IN LEU OF REG. 50.50 GRANTED 10-8-1991, 2003-8-24
9. PETITIONER REQUESTING A SPECIAL HEARING TO DETERMINE A NON-CONFORMING USE FOR A CONTRACTOR'S STORAGE YARD IN A RC-4 ZONE AND TO AMEND SITE PLAN.
10. PROPERTY SERVED BY PRIVATE WELL AND SEPTIC.
11. PROPERTY LOCATED ON 200' SCALE ZONING MAP NW34G.

Rehman's Ex #1

PLAT TO ACCOMPANY PETITION FOR

SPECIAL HEARING  
2618 BECKLEYSVILLE ROAD  
6TH ELECT. DIST. BALTIMORE COUNTY, MD.  
3RD COUNCILMANIC DIST. AUG. 14, 1991  
SCALE: 1"=30'

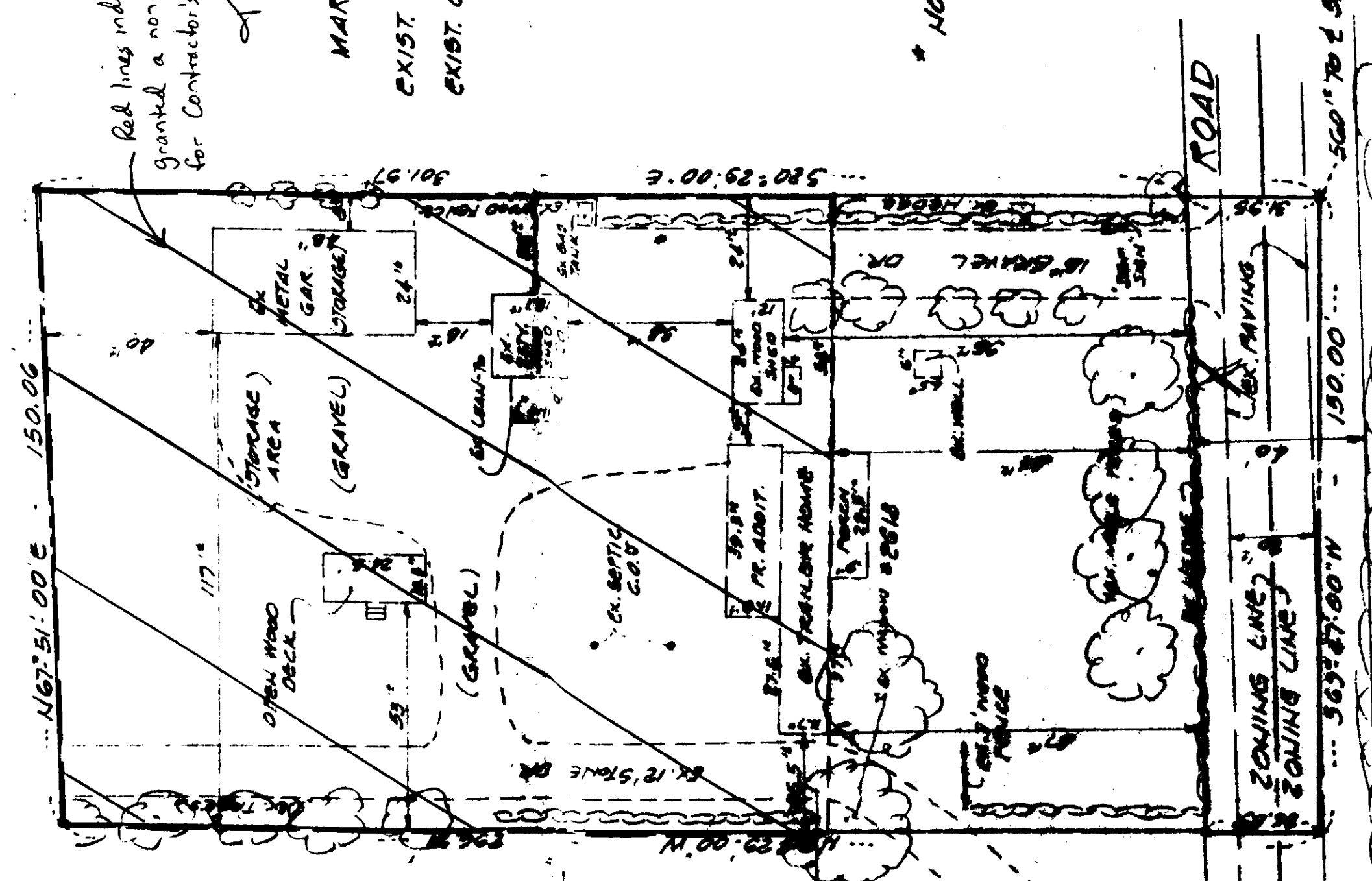
92-133-SPH

PAUL LEE ENGINEERING, INC.  
504 N. PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204



51-01

MARSHALL W. WHIPPERMAN  
EXIST. ZONING: RC-4  
EXIST. USE: RESIDENTIAL



\* NOTE: NO EXISTING BUILDING WITHIN 200'

EXIST. ZONING: RC-2  
EXIST. USE: RESIDENTIAL  
(NO EXISTING BUILDING WITHIN 200')

1376/408 Pet Ex #4

I her by certify that on this 30th day of January 1945 before me the sub-  
scribe a notary public of the State of Maryland in and for the County aforesaid person-  
ally appeared Alfred Whipperman and Daisy J Whipperman his wife the within grantors and  
they solemnly declared the foregoing deed to be their act  
As witness my hand and material seal

Margaret M. Wells  
Notary Public

Robert J. Spittel  
Clerk

Rec by H.M.D.  
Examiners (J&P)

74706  
E. June Shock : This deed made this 30th day of January in the year  
Deed to : one thousand nine hundred and forty five by and between  
Alfred Whipperman : E. June Shock unmarried of Baltimore County State of  
Maryland party of the first part and Alfred Whipperman  
party of the second part

Witnesseth that for and in consideration of the sum of five dollars and other  
good and valuable considerations this day paid receipt whereof is hereby acknowledged the  
said E. June Shock unmarried does grant and convey unto the said Alfred Whipperman his  
heirs and assigns in fee simple all those two lots or parcels of ground situate lying and  
being in Baltimore County State of Maryland and described as follows to wit

Beginning for the first at a planted stone in the County Road leading from  
Middlestown to Beckleysville at the end of the south 34 degrees east 26 perches line of the  
land which by deed dated on or about March 7th 1919 and recorded among the land records of  
Baltimore County in Liber WFC No 510 folio 89 etc was conveyed by Jane Hoffman and husband  
to Jacob C. Parish and wife thence running with and binding on said line reversely the  
following courses and distances to wit north 31 1/2 degrees east 26 perches to a planted stone  
said line bounding on a County Road thence  
leaving said road north 57 1/2 degrees east reversely bearing south 57 degrees west 1 1/4 per-  
ches to a planted stone thence north 39 degrees west 37.65 perches to a point distant  
south 39 degrees east 1 perch from a stone planted in a clump of chestnut stumps shown  
as a boundary of said Parish and wife and the land of William Oelgrath thence south 47 1/2  
degrees west 24 perches and thence north 31 1/2 degrees west 1 perch to intersect a line of  
the land of the said William Oelgrath thence leaving the outlines of the said Parish land  
and bounding on that of the said Oelgrath south 47 1/2 degrees west 6.1 perches to a planted  
stone a boundary of said land and supposed to be a boundary of the land which by deed  
dated on or about March 11th 1913 and recorded among the land records of Baltimore County  
in Liber WFC No 430 folio 220 etc was conveyed by Emma L. Bollinger to Harry McCullough and  
wife thence running with and bounding on said last named deed as corrected south 7 1/2 degrees  
east reversely bearing north 6 1/2 degrees west 37.45 perches to a large planted stone thence  
leaving the outlines of said McCullough tract of land running thence as formerly agreed  
upon the following courses and distances to wit south 51 degrees west reversely bearing  
north 1 3/4 degrees east 4 perches to a planted stone standing on or near the center line

1376/408 Pet Ex #6

DEEDS 3354 PAGE 620

This Deed, Made this 27th day of April AD 1973, by  
and between Marshall Whipperman and Mildred S. Whipperman, his wife,  
Father and Mother, of Baltimore County in the State of Maryland, of  
the first part, grantors, and Joseph W. Blavins and Brenda L. Blavins  
his wife, Son-in-law and Daughter, of Baltimore County in the State  
of Maryland, of the second part, grantees.

Witnesseth that in consideration of the sum of five  
dollars (\$5.00) and other good and valuable considerations, the re-  
ceipt of which is hereby acknowledged the said Marshall Whipperman  
and Mildred S. Whipperman, his wife, do grant and convey unto the  
said Joseph W. Blavins and Brenda L. Blavins, his wife, as tenants  
by the entireties, their heirs, personal representatives and assigns,  
in fee simple, all that lot of ground, situate, lying and being in the  
Sixth Election District of Baltimore County, State of Maryland, and  
described as follows, that is to say:-

Beginning for the same at a point 12 feet Southeast of  
the centerline of the present road-bed of Beckleysville Road at  
the end of 132.55 feet in the South 66-1/2 degrees West 23.8 perches  
line as described in a Deed from Goldie Whipperman, widow, to Mar-  
shall Whipperman and Mildred S. Whipperman, his wife, dated August  
12, 1963, recorded among the Land Records of Baltimore County in  
Liber 1-5-0-De. 4186 folio 298 etc., said beginning point also being  
South 20 degrees 29 minutes East 31.98 feet from a pipe, running  
thence binding on the above mentioned Deed and running in Beckleys-  
ville Road as now surveyed by magnetic bearings, South 69 degrees  
47 minutes West 150.00 feet to a point 7 feet Southeast of the  
center, thence by a line of division and passing over a pipe at the  
end of 26.89 feet, North 20 degrees 29 minutes West 296.91 feet to  
a pipe, thence by two other lines of division as now surveyed, North  
67 degrees 62 minutes East 150.08 feet to a pipe and South 20 deg-  
rees 29 minutes East 301.97 feet to the place of beginning, contain-  
ing one acre and thirty-one thousandths of an acre (1.001) of land  
more or less as surveyed January 8, 1973 by C.A. Myers, State Regis-  
tered Surveyor No. 2783.

Being a part only of the same land described in the  
above mentioned Deed from Goldie Whipperman, widow, to Marshall  
Whipperman and Mildred S. Whipperman, his wife, dated August 12, 1963,  
recorded among the Land Records of Baltimore County in Liber A.R.  
G.No. 4186 folio 298 etc.

Together with the buildings and improvements thereupon  
erected, made or being and all and every the rights, alleys, ways,  
waters, privileges, appurtenances and advantages, to the same belong-  
ing, or anywise appertaining.

To Have And To Hold the said lot or parcel of ground

Pet Ex #7

Affidavit

Edgar Paul Neale can verify with the best of my  
memory that Alfred Whipperman did do commercial trucking  
and repairs to farm machinery and autos from his farm  
now known as 2618 Beckleysville Rd, Freeland, Maryland.  
Prior to the year of 1945. Which was a portion of the  
original farm dating back to 1918. As to the best of  
my knowledge.

Signature: Edgar Paul Neale Date: Mar 22, 1991  
Address: 1607 Freeland Rd, Freeland, Md.  
Age: 74

Signed & Subd. before me on March  
22nd, 1991  
Notary: Mychal Law Schiff  
Commission Expires 9-1-94  
Baltimore County Md.

DOI: 10.1002/for

Gerald R. Shipperman, *Editor*

of Baltimore County in the State of Maryland, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the County of Baltimore, Maryland.

of the second part

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) in hand paid by the undersigned, the receipt whereof is hereby acknowledged, and valuable considerations, the receipt whereof is hereby acknowledged,

the said Goldie Whipperton, Wilcox, to her own use and interest, and to the use and interest in said her estate disposed of property ~~does grant and convey~~ unto the said Marshal Whipperton. ~~XXXXXXXXXXXXXXXXXXXX~~

XX

Whipperman, his wife, as tenants by the entireties, their children, the survivor of them, and the heirs and assigns of the survivor.

~~HEIR AND ASSIGNED~~ in fee simple, all that lot of the ground situate being and being a Baltimore County, Maryland, aforesaid, he described a field that is a

\* Beginning for the For the same of a stone that has a corner 1 1/2 ft. high  
Reinhold's 4th stone, round, north 25 degrees east 71 1/2 ft. to a stone  
north 66 degrees east 30 ft. to a stone north 11 1/2 degrees east  
55 1/4 ft. to a stone south 25 1/2 degrees east 12 1/2 ft. to a  
stone north 70 degrees east 17 1/2 ft. to a stone north 10 degrees  
55 1/2 ft. to a stone, west the County Road  
25 ft. to a stone on the edge of a quarry, south 10 degrees  
west 106 3/4 ft. to the place of beginning, north 10 degrees east  
perches more or less.

BEING the 2nd day described in a deed dated January 29, 1945 and recorded among the land records of Dallas County, Texas in Book No. 136, Page 48, which said deed is in and to the said County of Dallas, Texas, to the said Alfred Whippman, I, the said Alfred Whippman died May 5, 1942 and by his last Will and Testament, recorded in the office of Register of Deeds of Dallas County in Will's Book Eldem 72, Page 42, devised and bequeathed his son, Marshall Whippman. So, in compliance of said Will, Alfred Whippman, grantor herein, offering to take her 1/2 part of



8B

(WINTER)

(Summer)

(SUMMER)

BOTH  
DRIVING 8C  
EAST  
ON  
BETHLEHEM

ALL DRIVING  
EAST ON  
BECKLEY HILL

Blends

Plains

LOOKING NORTH  
AT WESTERN  
P/L & TRAILOR  
ON PROPERTY TO  
WEST



LOOKING  
NORTH  
THROUGH  
FRONT  
HEDGE  
AT BLEVINS!  
HOME

85

TRACTOR/TANK  
PARKED  
ON W/S OF  
PROPERTY

LOOKING NORTH  
INTO SITE  
FROM  
BECKLEYVILLE  
(WINTER)

86

WHIPPERMAN LAND  
EAST OF BLEVINS (BOTH)



8H

LOOKING WESTERLY  
AT EASTERN  
BOUNDARY



LOOKING  
SOUTH  
FROM  
PROPERTY

8I



LOOKING  
WESTERLY  
AT  
EASTERN  
BOUNDARY



LOOKING  
EAST  
FROM  
PROPERTY

8J



LOOKING  
EAST



LOOKING N/E  
AT WESTERLY P/L

8K



LOOKING NORTH  
INTO SITE  
FROM  
BERKELEYVILLE  
RD  
(SUMMER)

